

# **EXHIBIT 9**

**MCDERMOTT WILL & EMERY LLP**

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*Attorneys for Defendants Sage Associates;  
Malcolm H. Sage, in his Capacity as Partner or  
Joint Venturer of Sage Associates, Individually as  
Beneficiary of Sage Associates, and Personal  
Representative of the Estate of Lillian M. Sage;  
Martin A. Sage, in his Capacity as Partner or Joint  
Venturer of Sage Associates and Individually as  
Beneficiary of Sage Associates; and Ann M.  
Passer, in her Capacity as Partner or Joint  
Venturer of Sage Associates and Individually as  
Beneficiary of Sage Associates*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, TRUSTEE FOR THE  
LIQUIDATION OF BERNARD L. MADOFF  
INVESTMENT SECURITIES LLC,

Plaintiff.

)  
) Adv. Pro. No. 08-1789 (SMB)  
)  
)

) SIPA LIQUIDATION  
)  
)

) Substantively Consolidated  
)  
)  
)

) Adv. Pro. No. 10-4362 (SMB)  
)  
)  
)  
)  
)

v. )  
)  
SAGE ASSOCIATES; LILLIAN M. SAGE, )  
in her Capacity as Partner or Joint Venturer of )  
Sage Associates and Individually as )  
Beneficiary of Sage Associates; MALCOLM )  
H. SAGE, in his Capacity as Partner or Joint )  
Venturer of Sage Associates and Individually )  
as Beneficiary of Sage Associates; MARTIN )  
A. SAGE, in his Capacity as Partner or Joint )  
Venturer of Sage Associates and Individually )  
as Beneficiary of Sage Associates; ANN M. )  
SAGE PASSER, in her Capacity as Partner or )  
Joint Venturer of Sage Associates and )  
Individually as Beneficiary of Sage )  
Associates, )  
)  
Defendants. )  
)

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**RESPONSES TO TRUSTEE'S FIRST SET  
OF INTERROGATORIES TO DEFENDANT SAGE ASSOCIATES**

Defendant Sage Associates ("Sage Associates"), through their undersigned counsel,  
McDermott Will & Emery LLP, hereby objects and responds to Trustee's First Set of  
Interrogatories to Defendant Sage Associates (the "Interrogatories"), as follows:

**GENERAL OBJECTIONS**

1. The following General Objections are made to Plaintiff's entire set of  
Interrogatories. All answers include these General Objections, regardless of whether the General  
Objections are stated in each answer. By setting forth specific objections in any answer, Sage  
Associates does not intend to waive, limit, or restrict any General Objections set forth herein.  
The answers set forth herein and as subsequently amended, supplemented, or corrected are  
submitted to and without waiver of the following General Objections.

2. Sage Associates objects to the Interrogatories to the extent they attempt or purport  
to require the disclosure of privileged communications between attorney and client, the  
disclosure of documents or information subject to and protected by the work-product doctrine, or

entered by the Bankruptcy Court in adversary proceeding number 08-01789, as amended by the *Order Modifying the June 6, 2011 Litigation Protective Order*, dated September 17, 2013.

**Interrogatory No. 13**

Identify all meetings You, and/or someone acting on Your behalf, attended where an employee or representative of BLMIS was present and describe the substance of the communications that occurred during each meeting.

**Response:**

Subject to, and without waiver of, the General Objections, Sage Associates responds as follows: In addition to regular telephone conversations regarding the status of the Accounts, Malcolm H. Sage, Martin A. Sage, and Ann M. Passer met with Bernard L. Madoff at least once every year. In telephone conversations and in-person meetings, they: (i) discussed the status of the Accounts, including stock market trends and opportunities; (ii) reviewed the performance of Sage Associates, raised concerns, and discussed strategies and alternatives; (iii) directed Bernard L. Madoff to use certain investment strategies and to buy, sell, or hold certain stocks; (iv) explored various investment vehicles, discussed specific stocks held, and new companies and types of industries that may have been worth pursuing for investment purposes; and (v) communicated near-term and long-term financial plans and goals. Malcolm H. Sage, Martin A. Sage, and Ann M. Passer also had meetings with Bernard L. Madoff during periods of market uncertainty and when world or market events warranted concern, such as after the stock market crash in October 1987 and after the events of September 11, 2011. Malcolm H. Sage also had conversations related to the Accounts with Annette Bongiorno regarding administrative and ministerial matters.

**Interrogatory No. 14**

Identify any Persons to whom You paid any management fees, performance fees, or any other fees in connection with the Account and for each Person so identified, Identify the amount of such fees paid on a monthly basis, setting forth separately the amount attributable to each type of fee.